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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/029,338	12/21/2001	Charles M. Patton	10013492-1	3263

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EXAMINER

JEAN, FRANTZ B

ART UNIT

PAPER NUMBER

2151

DATE MAILED: 02/07/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/029,338

Applicant(s)

PATTON ET AL.

Examiner

Frantz B. Jean

Art Unit

2151

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 21 December 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-45 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-45 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 11/03/04
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

This office action is in response to application for patent filed on 12/21/01. Claims 1-45 are pending.

### ***Information Disclosure Statement***

The information disclosure statement (IDS) submitted on 11/08/04 is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-12 and 24-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Crawford US patent Number 5,771,354 in view of Merrel et al (hereinafter Merrel) US patent Number 6,553,408 B1.

As per claim 1, Crawford teaches a method for providing for automatic linking of a physical device and a predetermined associated virtual device (col. 14 lines 15 to 65, comprising the steps of: manufacturing the physical device that is associated with the predetermined virtual device (the physical device is compatible with or is able to communicate with the virtual device col. 12 lines 40 et seq; col. 14 lines 15 et seq). Crawford does not explicitly detail about attaching to a physical device a substantially unremovable communication identifier for communicating with the predetermined virtual device. Merrel is directed to a virtual device architecture having memory for storing lists of driver modules. The system comprises unremovable communication identifier for communicating with the predetermined virtual device (col. 6 lines 43 et seq). It would have been obvious to one of ordinary skill in the art at the time of the invention to have combined Merrel's communication identifier to Crawford's to facilitate communication between the devices while maintaining coordination among them.

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As per claim 2, Crawford teaches a method of claim 1 further including coupling, over an information space (on-line service i.e. Internet col. 14 line 15), the physical device to the predetermined virtual device.

As per claim 3, Crawford teaches a method of claim 2 wherein the information space is the Internet (on-line service i.e. Internet col. 14 line 15).

As per claim 4, Crawford teaches a method of claim 2 further including automatically activating, by the predetermined virtual device, at least one predetermined service (col. 55 lines 39-60).

As per claim 5, Crawford teaches a method of claim 2 further including, upon coupling, over an information space, the physical device to the predetermined virtual device, providing, by the predetermined virtual device, a selection of services (col. 14 lines 15 et seq).

As per claim 6, Crawford teaches a method of claim 5 further including, selecting, by a user of the physical device, at least one desired service (col. 14 lines 15-35).

As per claim 7, Crawford teaches a method of claim 2 wherein an intermediate device is utilized to couple the physical device to the predetermined virtual device.

As per claim 8, Crawford teaches a method of claim 7 wherein the intermediate device is one of: a console and a computer (see Crawford col. 27 lines 12 et seq; and Merrel col. 7 lines 20 et seq).

As per claim 9, Crawford and Merrel do not teach a method of claim 1 wherein the communication identifier is a Uniform Resource Identifier. It would have been obvious to one of ordinary skill in the art at the time of the invention to use a URI to facilitate access and communication in the system.

As per claim 10, a method of claim 1 wherein the communication identifier utilizes a HyperText Transfer Protocol naming scheme is implicit in Merrel identifier for communication purpose.

As per claim 11, a method of claim 1 wherein the communication identifier utilizes a File Transfer Protocol naming scheme scheme is implicit in Merrel identifier for communication purpose.

As per claim 12, a method of claim 1 wherein the communication identifier utilizes an Internet mail address naming scheme scheme is implicit in Merrel identifier for communication purpose.

Claims 24-34 are a system claim that contains the same limitations as claims 1-12 above. Therefore, they are rejected under the same rationale.

Claims 13-23 and 35-45 are rejected under 35 U.S.C. 103(a) as being unpatentable over Crawford and Merrel in view of Suzuki US patent Number 5,736,982.

Claims 13-23 are a method claim and claims 35-45 are a system claim that contain all the limitations of claims 1-12 above, except an avatar. It would have been apparent to one of ordinary skill in the art at the time of the invention to have incorporated an avatar in Crawford and Merrel system because it is well known in the art of computer as evidenced by Suzuki (fig 4A; col. 5 lines 18 et seq). One of ordinary skill in the art at the time of the invention would have used an avatar to facilitate communication through graphic representation.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Frantz B. Jean whose telephone number is 571-272-3937. The examiner can normally be reached on 8:30-6:00 M-f.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Zarni Maung can be reached on 571 272 3939. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
**FRANTZ B. JEAN**  
**PRIMARY EXAMINER**